Subject: Your application for access to documents – GESTDEM 2021/0813

Dear Mr Bank,

We refer to your e-mail of 16 February 2021 in which you make a request for access to documents, registered on 17 February 2021 under the above-mentioned reference number.

You requested access to the following documents:

- All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, e-mails, and presentations - related to the meetings members of the Secretariat General of the European Commission below the level of Commissioner and Cabinet have held with interest representatives on the Digital Services Act and the Digital Markets Act (including previous iterations of the proposals such as New Competition Tool and Markets Investigation Tool) since 01 August 2020 until today;

- All correspondence (i.e. any emails, correspondence, telephone call notes, and/or text messages including WhatsApp exchanges) between members of the Secretariat General of the European Commission below the level of Commissioner and Cabinet with interest representatives on the Digital Services Act and the Digital Markets Act (including previous iterations of the proposals such as New Competition Tool and Markets Investigation Tool) since 01 August 2020 until today.

We have identified the following documents which correspond to your request.

- report of the 21/10/2020 call with Spotify
- report of the 22/10/2020 call with Google
- email exchanges with Spotify leading to the 21/10/2020 call
- email exchanges with Google leading to the 22/10/2020 call

The documents contain personal data which has been redacted.
Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

If you disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit a confirmatory application requesting the Commission to review this position. Such a confirmatory application should be addressed within 15 working days of receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. ‘Transparency, Document Management and Access to Documents’
BERL 7/076
B-1049 Brussels,
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

(e-signed)

John WATSON
Director (acting)

Contacts:
Wojciech SARYUSZ-WOLSKI, wojciech.saryusz-wolski@ec.europa.eu,
Directorate D - Twin Transition, Economic & Social Affairs

Enclosure: 4 documents